

REMARKS/ARGUMENTS

Claims 8 and 9 are pending. By this Amendment, claim 12 is cancelled without prejudice or disclaimer, and claim 8 is amended. Support for the amendments to claim 8 can be found, for example, in previously presented claim 8. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §112, First Paragraph

The Office Action rejects claims 8, 9 and 12 under the written description requirement of 35 U.S.C. §112, first paragraph. By this Amendment, claim 12 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, while Applicants do not necessarily agree with the rejection and reserve the right to pursue broader subject matter in subsequent applications, by this Amendment, claim 8 is amended to obviate the rejection. Claim 9 is rejected solely for its dependency from claim 8. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 8, 9 and 12 under 35 U.S.C. §103(a) over U.S. Patent No. 4,877,840 to Chu ("Chu") in view of U.S. Patent Application Publication No. US 2003/0069320 to Minami et al. ("Minami"). By this Amendment, claim 12 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 8 recites "[a] method for granulating a flexible polyolefin resin, comprising: melting a resin composition comprising a flexible polyolefin resin comprising a homopolymer obtained by polymerizing propylene using a metallocene catalyst; and melt-

kneading the resin composition while cooling the resin to a temperature of the melting point (Tm-D) of the resin or less; wherein: the flexible polyolefin resin satisfies the following (1) to (3): (1) the flexible polyolefin resin is a crystalline resin with a melting point (Tm-D) from 20 to 120°C; (2) a crystallization time of the flexible polyolefin resin is 3 minutes or more; and (3) a PP isotacticity [mm] of the flexible polyolefin resin is 50 to 80 mol%" (emphasis added). Chu and Minami do not disclose or suggest such a method.

Employing the method of claim 8 makes it possible to prevent a very tacky homopolymer of propylene from cohering in lumps or blocks. That is, when the homopolymer is granulated by the method of claim 8, the resulting granules have reduced tackiness.

Chu discloses a process in which a modifying agent is concentrated in a polyolefin matrix. *See, e.g., Chu*, column 1, lines 44 to 49. In the process of Chu, a polyolefin having a short crystallization time is employed, so that crystallinity is decreased by blending amorphous polyisobutylene.

Minami is directed to a process that is intended to yield a formed product having low stickiness. *See Minami*, paragraph [0013]. As is evident from Table 1 at page 30 of Minami, mesopentad fractions (mmmm) of the obtained 1-butene homopolymers obtained are 74.1 mol% or more. By contrast, the method of claim 8 employs a homopolymer having a PP isotacticity [mm] of 50 to 80 mol%. The PP isotacticity [mm] recited in claim 8 of 50 to 80 mol% can be converted to a mesopentad fraction [mmmm] of 25 ($0.5 \times 0.5 \times 100$) to 64 ($0.8 \times 0.8 \times 100$) mol%. Thus, the propylene homopolymer employed in the method of claim 8 has a lower mesopentad fraction [mmmm] than the homopolymers employed in the processes of Minami. The polyolefins in Minami have a high mesopentad fraction [mmmm] and, thus, have low tackiness. Addressing the issue of tackiness at the time of granulation is not a concern in Minami.

There is nothing in either of the cited references that would have led a skilled artisan to employ the polyolefin disclosed in Minami, which has low tackiness to the method of Chu, with the objective of reducing the tackiness of granules. *See, e.g., Ex parte Whalen*, 89 USPQ2d 1078, 1084 (Bd. Pat. App. & Int. 2008) ("[t]he KSR Court noted that obviousness cannot be proven merely by showing that the elements of a claimed device were known in the prior art; it must be shown that those of ordinary skill in the art would have had some 'apparent reason to combine the known elements in the fashion claimed'").

In addition, the flexible polyolefin resin employed in the method of claim 8 is a homopolymer of propylene. By contrast, the process of Chu employs a modifying agent such as polyisobutylene in a polyolefin matrix. Thus, even if one of ordinary skill in the art would have employed the polyolefin of Minami in the process of Chu, such skilled artisan would not have omitted the use of a modifying agent, such as polyisobutylene, because the use of such modifying agent is at the very core of the invention of Chu.

While Minami discloses a flexible polyolefin resin having properties similar to those of the flexible polyolefin resin employed in the method of claim 8, it is only by relying on the guidance in the present specification that one of ordinary skill in the art would have employed such resin in the method of Chu in an attempt to achieve a method as recited in claim 8. The teaching or suggestion to combine the teachings of references must both be found in the prior art, and not based on applicant's disclosure. *See* MPEP §2142 (citing *In re Vaeck*, 20 USPQ2d 1438 (Fed. Cir. 1991)).

A *prima facie* case of obviousness cannot be made.

As explained, claim 8 would not have been rendered obvious by Chu and Minami. Claim 9 depends from claim 8 and, thus, also would not have been rendered obvious by Chu and Minami. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

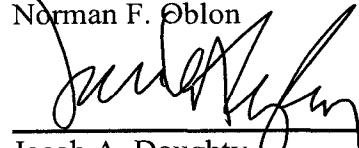
Conclusion

For the foregoing reasons, Applicants submit that claims 8 and 9 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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